

1505528-Court-A-U.S.
JOHN T ORCUTT
ATTORNEY AT LAW
6616-203 SIX FORKS RD
RALEIGH, NC 27615-0000

IN RE
DENNIS PAUL WEBB, JR.
502 ARGYLL ROAD

FAYETTEVILLE, NC 28303
SSN or Tax I.D. XXX-XX-8500

U.S. Bankruptcy Court
P.O. Box 791
Raleigh, NC 27602

Chapter 13
Case Number: 15-05528-5-DMW

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Joseph A. Bledsoe, III, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 01/04/2016, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
PO Box 791
Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):	Attorney:	Trustee:
DENNIS PAUL WEBB, JR.	JOHN T ORCUTT	Joseph A. Bledsoe, III
502 ARGYLL ROAD	ATTORNEY AT LAW	P.O. Box 1618
FAYETTEVILLE, NC 28303	6616-203 SIX FORKS RD	New Bern, NC 28563
	RALEIGH, NC 27615-0000	

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: December 04, 2015

Joseph A. Bledsoe, III
Chapter 13 Trustee
P.O. Box 1618
New Bern, NC 28563

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

IN RE:

CASE NUMBER: 15-05528-5-DMW

DENNIS PAUL WEBB, JR.

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on November 23, 2015, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$1,154.00	for	60	Months
	for		Months
	for		Months
	for		Months

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before February 22, 2016 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before April 6, 2016 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#022 Muscogee Co Tax	Taxes	Outside
#035 Vacation Village	Time Share Maintenance	Outside
#900 Chase Home Finance	2745 Auburn Ave	Outside

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, are to be paid over the life of the plan. Two post-petition contractual payments shall be included in the administrative arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments.**
(SEE PARAGRAPH 8 BELOW)

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#015 Harley-Davidson	'12 HD Touring FLHR Road King	\$12,479.81 @ 5.25% to be paid over life of plan
#020 Quantum3 Group	Jewelry	\$3,308.67 @ 5.25% to be paid over life of plan
#028 Security National	'11 Hyundai Sonata	\$19,119.90 @ 5.25% to be paid over life of plan

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
NONE			

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.

9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as “Surrender,” upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property “for cause” under §362(a)(1), as allowed by Local Rule 4001-1(b).

NONE

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
#013 Gold Gym	Gym Membership	Assume

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,700.00. The Trustee recommends to the Court a fee of \$3,700.00. If the recommended fee is different from that requested an explanation can be found in Exhibit ‘A’.

s/ Joseph A. Bledsoe, III
 Joseph A. Bledsoe, III
 Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 15-05528-5-DMW****DEBTORS: DENNIS PAUL WEBB, JR.****EMPLOYMENT:**

Debtor: U.S. ARMY GROSS INCOME: \$78,694.32
 Spouse: CAPE FEAR VALLEY MEDICAL \$46,450.92
 CENTER

Prior Bankruptcy cases: Yes ☐ No ☒ If so, Chapter filed

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: 2745 AUBURN AVENUE

FMV	\$173,000.00	Date Purchased
Liens	\$150,666.51	Purchase Price
Exemptions	\$1,325.00	Improvements
Equity	\$21,008.49	Insured For
Rent	\$1,600.00	Tax Value

Real Property: House and Lot ☐ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: TIMESHARE – ½ INTEREST

FMV	\$0.00	Date Purchased
Liens	\$0.00	Purchase Price
Exemptions	\$0.00	Improvements
Equity	\$0.00	Insured For
Rent		Tax Value

COMMENTS:

<u>Attorney</u>	Requested:	\$3,700.00	(excluding filing fee)
<u>Fees:</u>	Paid:	\$200.00	(excluding filing fee)
	Balance:	\$3,500.00	

Trustee's Recommendation: \$3,700.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$63,597.57	Pay in	\$69,240.00	Priority	100.00%
Priority	\$3,500.00	Less 6.00%	\$4,154.40	Secured	100.00%
Secured	\$37,988.98	Subtotal	\$65,085.60	Unsecured	100.00%
Unsecured	22,108.59	Req. Atty. Fee	Incl. w/ claims	Joint	%
Joint Debts		Available	\$65,085.60	Co-Debts	%
Co-Debtor					

<u>Objection to Confirmation:</u>	<u>Payroll Deduction:</u>	Yes	x	No	<input type="checkbox"/>
		Yes	<input type="checkbox"/>	No	x

Pending: SEE COURT DOCKET
 Resolved: SEE COURT DOCKET

Motions Filed: Yes ☐ No ☒

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

CERTIFICATE OF MAILING

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Court Served Electronically

Trustee	Joseph A. Bledsoe, III	P.O. Box 1618 New Bern, NC 28563
Debtor	DENNIS PAUL WEBB, JR.	502 ARGYLL ROAD FAYETTEVILLE, NC 28303
799	000002 JOHN T ORCUTT 6616-203 SIX FORKS RD	ATTORNEY AT LAW RALEIGH, NC 27615-0000
006	000023 CAWLEY & BERGMANN, LLP SUITE 201	117 KINDERKAMACK RD RIVER EDGE, NJ 07661
005	000022 CAVALRY PORTFOLIO SERVICES	500 SUMMIT LAKE DR, STE 400 VALHALLA, NY 10595-2321
012	000028 FEDLOAN SERVICING	PO BOX 69184 HARRISBURG, PA 17106-9184
017	000012 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101
030	000013 THE HONORABLE LORETTA LYNN 950 PENNSYLVANIA AVE NW	US DEPT OF JUSTICE WASHINGTON, DC 20530-0001
018	000037 INTERSTATE CREDIT COLLECTIONS SUITE B	711 COLISEUM PLAZA COURT WINSTON SALEM, NC 27106
037	000040 VETERANS ADMINSTRATION	251 NORTH MAIN STREET WINSTON SALEM, NC 27155-0000
031	000014 U S ATTORNEY'S OFFICE STE 800 FEDERAL BLDG	310 NEW BERN AVE RALEIGH, NC 27601-1461
029	000016 STATE OF NORTH CAROLINA P O BOX 629	C/O NC DEPARTMENT OF JUSTICE RALEIGH, NC 27602-0629
024	000015 NC DEPT OF REVENUE P O BOX 1168	ATTN: BANKRUPTCY UNIT RALEIGH, NC 27602-1168
019	000017 JOHN T ORCUTT 6616-203 SIX FORKS RD	ATTORNEY AT LAW RALEIGH, NC 27615-0000
038	000042 WILLIAM P. HARRIS	10130 PERIMETER PARKWAY, SUITE 400 CHARLOTTE, NC 28216
027	000036 PUBLIC WORKS COMMISSION PO BOX 1089	955 OLD WILMINGTON RD FAYETTEVILLE, NC 28302
009	000011 CUMBERLAND CO TAX COLLECTOR	PO BOX 449 FAYETTEVILLE, NC 28302-0449
013	000041 GOLDS GYM	2485 HOPE MILLS RD FAYETTEVILL, NC 28304
035	000038 VACATION VILLAGE AT PARKWAY	PO BOX 405947 ATLANTA, GA 30384-5947
022	000008 MUSCOGEE COUNTY TAX COLLECTOR	PO BOX 1441 COLUMBUS, GA 31902-1441
023	000009 MUSCOGEE COUNTY TAX COLLECTOR	PO BOX 1441 COLUMBUS, GA 31902-1441
011	000027 ENHANCED RECOVERY CORP	8014 BAYBERRY RD JACKSONVILLE, FL 32256-7412
036	000039 VACATION VILLAGE AT PARKWAY PO BOX 10689	C/O ASPEN NATIONAL COLLECTIONS BROOKSVILLE, FL 34603
900	000003 CHASE HOME FINANCE	PO BOX 24696 COLUMBUS, OH 43224-0696

CERTIFICATE OF MAILING

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902	000004	CHASE HOME FINANCE	PO BOX 24696 COLUMBUS, OH 43224-0696
028	000010	SECURITY NATIONAL 6951 CINTAS BOULEVARD	AUTOMOTIVE ACCEPTANCE CORPORATION MASON, OH 45040-8923
034	000030	US DEPT OF EDUCATION	PO BOX 16448 SAIN PAUL, MN 55116
033	000029	US DEPT OF EDUCATION	1 IMATION PL BLDG 2 SAINT PAUL, MN 55128-3422
016	000019	IC SYSTEMS	PO BOX 64378 SAINT PAUL, MN 55164-4378
014	000006	HARLEY DAVIDSON CREDIT SUITE 2000	222 WEST ADAMS CHICAGO, IL 60606
015	000005	HARLEY-DAVIDSON CREDIT CORP	PO BOX 9013 ADDISON, TX 75001
021	000032	MILITARY STAR	PO BOX 650410 DALLAS, TX 75265-0410
001	000033	AAFES/MIL STAR/EXCHANGE PO BOX 740933	C/O CREDITORS BANKRUPTCY SERVICE DALLAS, TX 75374
032	000031	US DEPARTMENT OF EDUCATION	PO BOX 5609 GREENVILLE, TX 75403
010	000026	DISH NETWORK	PO BOX 9033 LITTLETON, CO 80120
026	000035	PROFESSIONAL FINANCE CO	PO BOX 1686 GREELEY, CO 80632-1686
003	000020	CAPITAL ONE BANK	PO BOX 30285 SALT LAKE CITY, UT 84130-0285
004	000021	CAPITAL ONE BANK	PO BOX 30285 SALT LAKE CITY, UT 84130-0285
008	000025	CREDIT ONE BANK	585 SOUTH PILOT ST LAS VEGAS, NV 89119
025	000034	PIONEER / MAC INC	4000S EASTERN AVE LAS VEGAS, NV 89119-0826
007	000024	CREDIT ONE BANK	PO BOX 98873 LAS VEGAS, NV 89193-8873
002	000018	BANFIELD PET HOSPITAL	8000 NE TILLAMOOK PORTLAND, OR 97213
020	000007	QUANTUM3 GROUP LLC PO BOX 788	AGENT FOR STERLING JEWELERS KIRKLAND, WA 98083-0788

44 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 12/04/2015.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 12/04/2015 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail